

THIS NEW RULE WAS APPROVED BY THE UTAH STATE BOARD OF
EDUCATION ON FIRST AND SECOND READING ON APRIL 4, 2008.

DRAFT
APRIL 4, 2008

R277. Education, Administration.

R277-113. One-time Performance-based Compensation Program.

R277-113-1. Definitions.

A. "Board" means the Utah State Board of Education.

B. "Employee" means an individual receiving compensation from a qualifying education entity, not including short term substitute teachers and other employees or volunteers.

C. "Qualifying education entity" means a school district or charter school that has met all of the requirements of this rule, including timely submission of the required performance-based compensation plan to the Board.

R277-113-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities, and Section 53A-17a-148(6) which permits the Board to make rules as necessary to administer the program.

B. The purpose of this rule is to provide criteria for school district and charter school participation in the Performance-based Compensation Program and for distribution of funds to eligible participants.

R277-113-3. School District and Charter School Responsibilities.

A. School districts and charter schools that elect to participate in the one-time performance-based compensation program shall submit performance-based compensation plans to the Board. Plans of qualifying education entities shall include all the elements required under Section 53A-17a-148(5)(b)(ii).

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31 B. The plan applies to the 2008-09 school year only.

32 C. Plans shall provide for distribution of performance-
33 based compensation only for employee performance during the
34 2008-09 school year.

35 D. School districts and charter schools are encouraged
36 to include additional elements in submitted plans such as:

37 (1) measures of student academic progress or growth;

38 (2) specific measures of instructional quality;

39 (3) measures of parent and student satisfaction;

40 (4) measures of school and school district progress; and

41 (5) other measures that demonstrate improved academic and
42 instructional performance.

43 C. School districts and charter schools are encouraged
44 to include employees, employee association representatives,
45 parents, and others in the development of performance-based
46 compensation plans.

47 D. Local school boards and charter school governing
48 boards shall review and approve performance-based plans prior
49 to the submission of plans to the Board.

50 E. Participating school districts and charter schools
51 shall provide reports related to this program as requested by
52 the Board and shall provide summary evaluations of the plans
53 including the plans' effectiveness by July 1, 2009.

54 F. Participating school districts and charter schools
55 shall submit plans to the USOE prior to July 1, 2008.

56 **R277-113-4. Board Responsibilities.**

57 A. The Board shall approve plans that include the
58 elements required under Section 53A-17a-148(5)(b)(ii).

59 B. The Board shall immediately notify any school
60 district or charter school that submits a plan that is deemed
61 deficient or ineligible or both and may allow for resubmission

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62 of plans before July 1, 2008.

63 C. Plans shall be sent to the Education Interim
64 Committee for review on or before August 1, 2008.

65 D. Funds shall be distributed to participating school
66 districts and charter schools on a per-pupil basis in a one-
67 time transfer prior to December 1, 2008.

68 E. The Board shall collect information from
69 participating school districts and charter schools as needed
70 to enable a complete and accurate report to the Legislature as
71 required, including an assessment of the effectiveness of
72 school district and charter school plans.

73 **KEY: performance-based compensation program**

74 **Date of Enactment or Last Substantive Amendment: 2008**

75 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**
76 **53A-1-401(3); 53A-17a-148(6)**